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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ILDELFONSO BENITEZ,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.
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No. 2:13-cv-2428-EFB P

ORDER

17 Plaintiff is a federal prisoner proceeding without counsel in an action brought under 28
18 U.S.C. § 1346(b). He has filed an application to proceed in forma pauperis pursuant to 28 U.S.C.
19 § 1915. ECF No. 2.


20 Plaintiff claims that venue is proper in this district because it is where his “medical
21 conditions originated.” ECF No. 1 at 2. Plaintiff is mistaken. Any civil action on a tort claim
22 against the United States under 28 U.S.C. § 1346(b) may be prosecuted only in the judicial
23 district where the plaintiff resides or where the act or omission complained of occurred. 28
24 U.S.C. § 1402(b). Here, plaintiff resides at the Oakdale Federal Detention Center, in Louisiana.
25 The act or omissions complained of occurred in Honolulu, Hawaii. *See* ECF No. 1 at 3-5
26 (alleging that staff at the Honolulu Federal Detention Center caused plaintiff harm). Thus, venue
27 appears to be proper in both Louisiana and Hawaii, but not in California.

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1 The court finds that the convenience of the parties and witnesses and the interests of
2 justice would be better served by transferring this action to the United States District Court for the
3 District of Hawaii, where the acts or omissions allegedly occurred and where the majority of the
4 evidence and witnesses are most likely located.

5 Accordingly, IT IS HEREBY ORDERED that this case is transferred to the United States
6 District Court for the District of Hawaii. *See* 28 U.S.C. §§ 91, 1404(a).

7 Dated: December 3, 2013.

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9 EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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